

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 19, 2002

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass and Commissioner Marks. Also in attendance were Captain Poindexter, Executive Secretary Steiner and Industry Liaison Okey.

Jerimi Ullom, Ronna Chappell of ILBA, Deb Scott of IABR, Matt Price, Lisa Goldner of Bose McKinney and Evans and Pam Ferguson of WSWI were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the November 4, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the November 19, 2002 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

DL56-19721 CASEY'S ENTERPRISES, LLC – Hearing Judge Steiner stated that this was a recommended approval by the Newton County Local Board and an upholding of that approval by the Commission. The remonstrator filed a timely notice of appeal and the matter was set for hearing.

Hearing Judge Steiner stated that no remonstrators appeared at the appeal hearing, therefore, he recommended that the Commission dismiss the appeal.

Vice Chairperson Glass moved to uphold the Hearing Judge's recommendation to dismiss the appeal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR58-04551 PM LOUNGE, INC. – Hearing Judge Steiner stated he would like to recommend the Commission remand this renewal application to the local board due to the fact that the local board denied this renewal based on information or allegations that proved to be inaccurate concerning the permittee.

Chairperson DePrez moved to table this recommendation until she speaks with the Superintendent concerning this. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

No Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Four hundred fifty-four (454) renewals approved, forty-six (46) new and/or transfer permits approved, twenty (20) permits conditionally approved, twelve (12) permits approved for first year escrow and five (5) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL28-94299 KOCOLINE MARKETING, LLC – Vice Chairperson Glass noted this is a type 115 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to remand this application to the local board for reinvestigation. She stated that the file was unclear as to whether or not this permittee still qualified for the type 115 grocery permit. The Vice Chair included in her motion

that the local board needs to provide findings to the Commission by asking for sales figures or proof that this is a grocery store and not a tobacco store. Motion seconded by Chairperson DePrez and it was unanimously approved.

RR42-07227 ROBERT H. BLACKBURN – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the recommendation of the local board and approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR81-09900 WEST C. C. CORPORATION – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

HT73-19989 INDIANAPOLIS DOWNS, LLC – Vice Chairperson Glass noted this is a new type 224-1 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and Chairperson DePrez abstained from the vote.

SF82-20027 INDIANAPOLIS DOWNS, LLC – Vice Chairperson Glass noted this is a new type 224-2 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and Chairperson DePrez abstained from the vote.

RR49-20040 OAKLEY'S BISTRO, LLC – Vice Chairperson Glass noted this is a new type 209 application with the local board voting two (2) to zero (0) to approve.

Chairperson DePrez moved to uphold the local board's recommendation to approve this new permit, pending the 30-day waiting period for the local board to recall their vote because only two members were present to vote. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make twenty-four (24) permits inactive. Nineteen (19) permits are not subject to auction and five (5) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals From Local Board Recommendations.

OLD BUSINESS

No Old Business.

NEW BUSINESS

APPEAL OF JOHN DUGAN, JR – Chairperson DePrez moved to deny the Motion for Oral Argument filed by Lawrence Reuben on behalf of Mr. Dugan, due to the fact that briefs were filed by both sides concerning this matter. She felt that the Commission has been provided with enough information to make a decision concerning the Proposed Findings of Fact and Conclusions of Law. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

WORKING DISTRIBUTORS, INC. – Executive Secretary Steiner stated that the permit has been approved for this applicant; however, the distribution warehouse will not be ready until December 2, 2002. The permittee is requesting permission to receive inventory prior to the December 2nd date, so their daily operations will not be disrupted.

Chairperson DePrez moved to approve this request. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

OAK HILL MANSION CARMEL DAD'S CLUB – Carmel Dad's Club would like to serve donated alcoholic beverages at their fundraiser.

INDIANAPOLIS MUSEUM OF ART DOCENT EVENT – The Indianapolis Museum of Art would like to serve donated alcoholic beverages at their thank you dinner.

INDIANAPOLIS MUSEUM OF ART STAFF HOLIDAY PARTY – The Indianapolis Museum of Art would like to serve donated alcoholic beverages at their holiday staff party.

JUNIOR ACHIEVEMENT HALL OF FAME DINNER – Junior Achievement would like to serve donated alcoholic beverages at their Hall of Fame dinner.

BASIL'S RESTAURANT WINE TASTING BENEFIT – Basil's Restaurant would like to hold a wine tasting with donated alcoholic beverages.

BREBEUF JESUIT PREPARATORY SCHOOL PRESIDENT’S DINNER – Brebeuf Jesuit Preparatory School would like to serve donated alcoholic beverages at their President’s Dinner.

INTERNATIONAL SCHOOL OF INDIANA TRAVEL AUCTION – The International School of Indiana would like to serve donated alcoholic beverages at their travel auction.

BALLET INTERNATIONALE NUTCRACKER BALL – Ballet Internationale would like to serve donated alcoholic beverages at their Nutcracker Ball.

Vice Chairperson Glass moved to approve these requests. Motion seconded by Commissioner Marks and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing Under Advisement.

ANNOUNCEMENTS

No Announcements.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER